

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 45 be amended to read as follows:

- 1           Page 9, between lines 39 and 40, begin a new paragraph and insert:  
2           "SECTION 10. IC 35-45-4-5, AS AMENDED BY P.L.7-2005,  
3           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2007]: Sec. 5. **(a) As used in this section, "nudity" means**  
5           **the showing of the human male or female genitals, pubic area, or**  
6           **buttocks.**  
7           **(b) As used in this section, "peep" means any looking that is of**  
8           **a clandestine, surreptitious, prying, or secretive nature.**  
9           **(c) As used in this section, "photograph" means photographing,**  
10          **filming, videotaping, or creating a digitized image, including using**  
11          **a cellular telephone, a camera, a video camera, or any other type**  
12          **of video recording device, to create an image.**  
13          ~~(a)~~ **(d) A person:**  
14               (1) who:  
15                   (A) peeps; or  
16                   (B) goes upon the land of another with the intent to peep;  
17               into an occupied dwelling of another person; or  
18               (2) who peeps into an area where an occupant of the area  
19               reasonably can be expected to disrobe, including:  
20                   (A) restrooms;  
21                   (B) baths;  
22                   (C) showers; and  
23                   (D) dressing rooms;  
24          without the consent of the other person, commits voyeurism, a Class B

1 misdemeanor.

2 ~~(b)~~ **(e)** However, the offense under subsection ~~(a)~~ **(d)** is a Class D  
3 felony if:

4 (1) it is knowingly or intentionally committed by means of a  
5 camera, a video camera, or any other type of video recording  
6 device; or

7 (2) the person who commits the offense has a prior unrelated  
8 conviction:

9 (A) under this section; or

10 (B) in another jurisdiction, including a military court, for an  
11 offense that is substantially similar to an offense described in  
12 this section.

13 ~~(c) "Peep" means any looking of a clandestine, surreptitious, prying,~~  
14 ~~or secretive nature.~~

15 **(f) This subsection does not apply to a person who photographs**  
16 **a person who consents to be photographed. A person who:**

17 **(1) knowingly or intentionally photographs a person who:**

18 **(A) is in an area in which an occupant of the area**  
19 **reasonably can be expected to disrobe, including:**

20 **(i) restrooms;**

21 **(ii) baths;**

22 **(iii) showers; and**

23 **(iv) dressing rooms; and**

24 **(B) is in a state of nudity; and**

25 **(2) knowingly or intentionally:**

26 **(A) fails to destroy the image that was photographed;**

27 **(B) shows the image that was photographed to another**  
28 **person;**

29 **(C) publishes the image that was photographed; or**

30 **(D) makes the image that was photographed available on**  
31 **the Internet;**

32 **after the person who is photographed asks the person to**  
33 **destroy the image or to not show the image to another person;**

34 **commits photographic voyeurism, a Class A misdemeanor."**

35 Renumber all SECTIONS consecutively.

(Reference is to ESB 45 as printed April 6, 2007.)

---

Representative Cherry